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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,767	03/21/2006	Ian Charles Boon	MOR3-PT021	3330
3624	7590	01/03/2008		
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER LANGDON, EVAN H	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 01/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/572,767

Applicant(s)

BOON, IAN CHARLES

Examiner

Evan H. Langdon

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 2-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/21/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species B, claims 1 and 8-19 in the reply filed on 26 November 2007 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the transverse" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 9 and 12 recite the limitation "the mounting assembly" in line 1. There is insufficient antecedent basis for this limitation in the claim.

In regard to claim 13, the claim depends from claim 12, however, the preamble is drawn to a module which is not previously claimed. It is further not understood what is meant by the limitation "constructed."

In regard to claims 15-17, the claims depends from claims 8, 12 and 16, respectively, however, the preamble of claims 15-17 are drawn to a cable laying vehicle which is not claimed. The claims 8 and 12 from which claims 15-17 depend are drawn to a feed control assembly.

In regard to claims 18 and 19, the claims are 'design' patent claims and are not proper in a 'utility' patent application. A 'design' patent application is filed separately from a 'utility' application. Because of the indefiniteness claim 18 and 19 cannot be meaningfully treated with respect to the prior art at this time.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

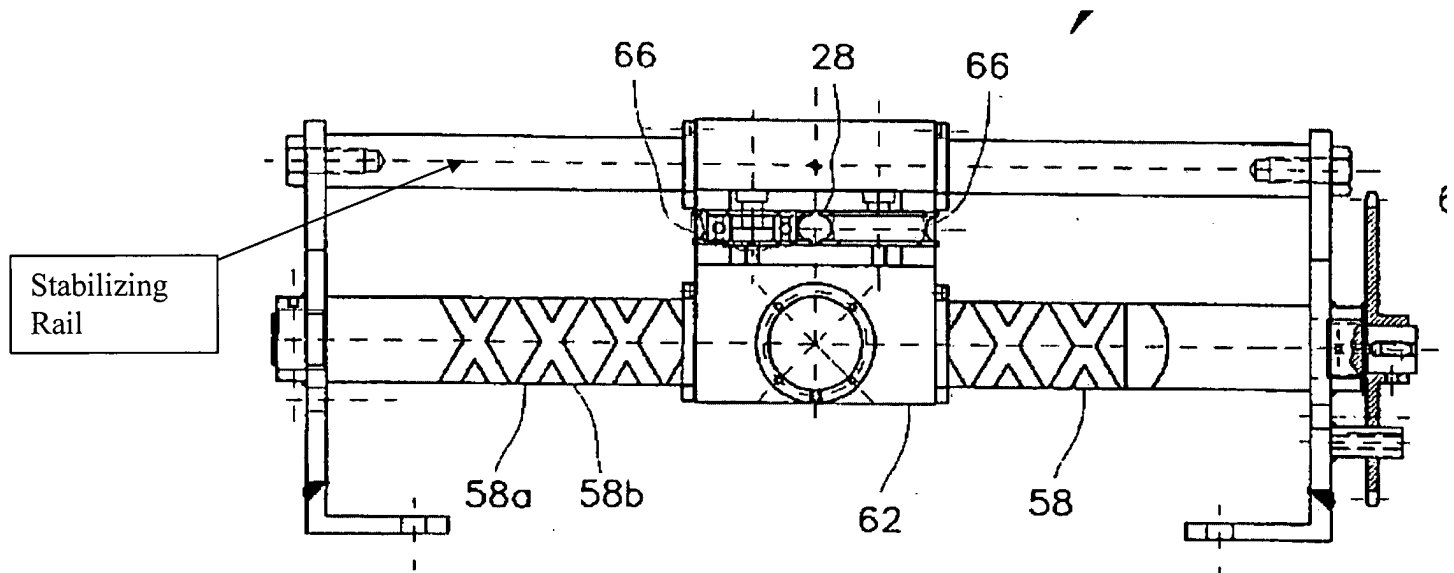
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 8-19 are rejected under 35 U.S.C. 102(b) as being anticipated by De Vettor (US 5,765,782).

In regard to claim 1, De Vettor discloses a feed control assembly for feeding a cable on to a rotatable reel comprising, primary guide means 38, 66 (Fig. 7) for controlling the location of the cable as it feeds on to the reel, and a drive assembly 62, 58 arranged to reciprocate the primary guide means as the cable feeds through the primary guide means.

In regard to claim 8, De Vettor discloses the transverse member comprises a shaft 58 having a shaft axis, shaft drive means (hydraulic means not show) are provided for rotating the shaft about the shaft axis, the drive assembly 62 is mounted on the shaft and arranged to be driven in a reciprocating manner along the shaft between two travel end points (Fig. 7) by the rotation of the shaft, and switch means 58a,b are arranged so as to change a setting of the drive assembly to cause it to reverse direction when it reaches each of the travel end points.

In regard to claims 9-12, De Vettor discloses the drive assembly 62 comprises a rolling ring drive, the feed control assembly comprises a stabilizing rail (Fig 7) extending generally parallel to the shaft axis and stabilizing means extending between the drive assembly and stabilizing rail, and the primary guide means 66 is mounted on the drive assembly.



In regard to claims 13 and 14, De Vettor discloses the control assembly can be attached and detached from a vehicle and comprises a hydraulic motor (not shown) for driving the drive assembly.

In regard to claims 15-17, De Vettor discloses secondary drive means 20 mounted on the roof of a vehicle.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Evan Langdon
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AU 3654 112408